

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

CrI.MC.No. 2191 of 2007()

F.I.R 25/2007 OF KARAMANA POLICE STATION

PETITIONER:

MANU.K.VARUGHESE, MANAGER, ICICI BANK
LTD., KAMALA TOWERS, GANAPATHY KOVIL ROAD,
VAZHUTHKAD, TRIVANDRUM-695 014.

BY ADV. SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.SHEENA SAMUEL

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT
ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
KARAMA POLICE STATION.
3. BABU V.R., SHIVASMITHI, KAVARADI ROAD,
PETTA, TRIVANDRUM-695 024.

BY ADV. SRI.PHILIP J.VETTICKATTU
PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2191 of 2007

Dated this the 10th day of August 2007

O R D E R

The petitioner is the first accused in crime No.25/2007 of Karamana police station registered under Section 395 I.P.C. According to the petitioner, he is the Manager of the ICICI Bank and that no crime whatsoever has been committed by him in having re-possessed the vehicle in terms of the agreement between the parties. After the F.I.R was registered, the petitioner came before this court and filed this Criminal Miscellaneous Case to quash the F.I.R. The Criminal Miscellaneous Case was admitted on 9/7/2007. An interim direction was issued that the final report shall not be filed till 23/7/2007, the next date of posting. While the Criminal Miscellaneous Case was pending and the said interim direction was remaining in force, it is now reported that, in violation of the interim direction, final report was filed by the investigating officer on 14/7/2007. In such final report, it was alleged that the petitioner had committed the offence punishable under Sections

294b, 323 and 385 I.P.C. On such final report filed by the police, the learned Magistrate has taken cognizance also, it is submitted. The case is now pending before the learned Judicial First Class Magistrate Court-I, Thiruvananthapuram as C.C.No.870/2007. Notice has been served on the de facto complainant/third respondent herein. The third respondent has also entered appearance. The petitioner has now got the Criminal Miscellaneous Case amended to seek a further relief of quashing C.C.No.870/2007.

2. There has been yet another change in circumstances. The third respondent and the petitioner have reported before this court that the disputes between them have been settled and the third respondent does not want to further prosecute the matter.

3. The learned counsel for the petitioner submits that the course adopted by the police is not justified and deserves to be frowned upon. By the improper conduct of filing the final report, ignoring the interim order dated 09/07/2007, very valuable right of the petitioner has been infringed. The learned Public Prosecutor submits that it was an absolutely inadvertent and unintentional action on the part of the investigating officer

and the investigating officer's indiscretion may be condoned. The learned counsel for the petitioner and the third respondent pray and the learned Public Prosecutor endorses that request that proceedings initiated against the petitioner may now be quashed.

4. I have considered all the relevant inputs. In the peculiar facts and circumstances of the case, I am satisfied that the prayer of the petitioner, as conceded by the third respondent and the learned Public Prosecutor can be allowed.

5. This Criminal Miscellaneous Case is in these circumstances allowed. The F.I.R in crime No.25/2007 of Karamana police station, the final report submitted after investigation in that crime as also C.C.No.870/07 pending before the Judicial First Class Magistrate Court-I, Thiruvananthapuram on the basis of such final report are all hereby quashed.

6. This Criminal Miscellaneous Case is thus allowed.

(R.BASANT, JUDGE)

jsr

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PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007